IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 20TH DECEMBER 2006 / 29TH AGRAHAYANA 1928

WP(C).No. 2088 of 2005(W)

PETITIONER:

DR. ISSAC THOMAS, AGED 49 YEARS,
S/O. LATE THOMAS SCARIA, AYROOTHARAYIL HOUSE,
ANIKAD P.O., MALLAPPALLY WEST, THIRUVALLA.

BY ADV. SRI.V.PHILIP MATHEWS
SRI.VIJAYASANKAR P

RESPONDENTS:

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1. THIRUVALLA EAST CO-OPERATIVE BANK LTD.,
ERAVIPEROOR, THIRUVALLA, REPRESENTED BY
SECRETARY.

2. THE SPECIAL SALE OFFICER,
THIRUVALLA EAST CO-OPERATIVE BANK LTD.,
THIRUVALLA.

3. THE PRESIDENT, THIRUVALLA EAST
CO-OPERATIVE BANK LTD., ERAVIPEROOR P.O.,
THIRUVALLA.

BY ADV. SRI.T.R.RAMACHANDRAN NAIR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXTS:-

EXT.P1 COPY OF THE AWARD PASSED BY THE 2ND RESPONDENT DATED 30/10/2001 ALLOWING THE FIRST RESPONDENT TO RECOVER RS.3,96,368/- FROM THE PETITIONER AND HIS PROPERTY

EXT.P2 EXHIBIT P2 COPY OF THE AUCTION NOTICE DATED 06/12/2004 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER

EXT.P3 COPY OF THE REPRESENTATION SUBMITTED BY PETITIONER TO THE 3RD RESPONDENT DATED 11/01/2005

\\TRUE COPY //

P.A TO JUDGE

J.M.JAMES, J.

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W.P.(C) No. 2088 of 2005 (W)

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Dated this the 20th day of December, 2006

J U D G M E N T

The writ petitioner is a defaulter of a loan, availed from the first respondent, Thiruvalla East Co-operative Bank Ltd., Eraviperoor. Proceedings were initiated against the writ petitioner. As per Exhibit P1 award, Exhibit P2 sale notification dated 06/12/2004 was issued. The writ petitioner approached this Court and there was a stay. Therefore, it is submitted by either side that the sale was not effected. The counsel for the writ petitioner now submits that he is prepared to pay the amount as per the one time settlement, availing the benefits of the Circular No.27/2006, dated 29/06/2006.

2. After hearing both sides, I direct the writ petitioner to file a representation, before the first respondent, immediately, and on receipt of the same, the first respondent shall hear the writ petitioner and pass orders, extending him the

benefits and facilities of one time settlement, as per the Circular that is in force now.

3. Till an order is passed on the representation, as directed above, there shall be no further coercive action against the writ petitioner.

This writ petition is closed as above.

(J.M.JAMES)
Judge

ms